California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

September 3, 2008

In the Matter of

Water Quality Certification

for the
SONOMA COUNTY WATER AGENCY
2008 LOCALIZED CHANNEL MAINTENANCE PROJECTS
WDID NO. 1B08093WNSO

APPLICANT:	Sonoma County Water Agency
RECEIVING WATER:	Airport, Colgan, College, Ducker, Steele, and Gossage Creeks
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00, Laguna Hydrologic Sub Area No. 114.21, Mark West Hydrologic Sub Area No. 114.23, and Santa Rosa Hydrologic Sub Area No. 114.22
COUNTY:	Sonoma County
FILE NAME:	2008 Localized Channel Maintenance Projects

BY THE EXECUTIVE OFFICER:

1. On May 23, 2008, Michael Stevenson, on behalf of Sonoma County Water Agency (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the 2008 Localized Channel Maintenance Projects, located in Sonoma County. Completion of fee payment in the total amount of $1,403.00 was made. Five Localized Sediment removal projects would cause permanent impacts to 0.09 acres of streambed within the Mark West Hydrologic Sub Unit No. 114.23; 0.25 acres in the Santa Rosa Hydrologic Sub Unit No. 114.22; and 0.07 acres within the Laguna Hydrologic Sub Unit No. 114.21. One Bank Stabilization project would cause permanent impacts to 0.01 acres of streambed within the Laguna Hydrologic Sub Unit No. 114.21.

2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 6, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.

3. The proposed project consists of removing sediment from blocked culvert road crossings at five sites and repairing one destabilized streambank. Localized sediment removal projects refer to a limited (or localized) project extent, generally less than 200 feet per site, with sediment removal work focused at the immediate culvert or crossing area. The purpose of the localized sediment removal projects is to improve the hydraulic and flood conveyance capacity of the creeks, prevent potential flooding of adjacent residences and properties, and improve the potential of the channels to serve as aquatic habitat.

   Locations for the local sediment removal projects are as follows:

   The Airport Creek project is located at the Skylane Boulevard culvert road crossing in Windsor, Sonoma County, California. The project site latitude and longitude are 38°30'48.26" N and 122°47'56.60" W.

   The Colgan Creek project is located at the culvert road crossing beneath Hearn Avenue in Santa Rosa, Sonoma County, California. The project site latitude and longitude are 38°25'6.09" N and 122°43'16.52" W.

   The College Creek project is located at the culvert road crossing at West College Avenue in Santa Rosa, Sonoma County, California. The project site latitude and longitude are 38°26'45.53" N and 122°45'5.68" W.

   The Ducker Creek project is located at the culvert road crossing at Benicia Drive in Santa Rosa, Sonoma County, California. The project site latitude and longitude are 38°28'9.66" N and 122°40'22.61" W.

   The Steele Creek project is located at the culvert road crossing at Gamay Street in Sebastopol, Sonoma County, California. The project site latitude and longitude are 38°27'26.45" N and 122°45'25.56" W.

4. Localized sediment removal activities include: (1) installation of temporary access ramps as needed; (2) removal of sediment from the box or corrugated metal culverts and areas immediately upstream and downstream of the culverts; (3) selective removal or thinning of vegetation at sediment removal locations; (4) debris removal as necessary; and (5) installation of temporary coffer dams as a dewatering system if/as necessary.

5. Localized sediment removal activities at the Airport, Colgan, College, Ducker, and Steele creek culvert crossings would involve the estimated removal of 645 cubic yards of sediment. The hydraulic and flood conveyance capacity of these channels has been decreased from their original design due to sediment accumulation and the growth of in-channel vegetation. The amount of sediment removal was determined by comparing cross-sections of the original culvert or channel design with current conditions to evaluate the degree of sediment accumulation and blockage. Recent cross-sections surveyed in 2006 and 2007 were used as the basis of comparison to the original design capacity.

6. Sediment and vegetation in the culverts will be removed with an excavator, bulldozer, or front loader operating from the top of bank, the roadway crossing directly above the culverts, or from existing maintenance roads to the side of the channels. At some locations, small push-loading type Bobcats may be lowered into the culverts to remove sediment. Approximately 645 cubic yards of accumulated sediment will be piled and removed and hauled to an off-site location approved by the Regional Water Board.

   If necessary, temporary access ramps would be constructed where needed to allow equipment to enter the culvert and channel. The ramp locations would be selected to avoid impacts to vegetation, while providing efficient, safe equipment access to the work area. Access ramps, if used, would be temporary and would be restored following sediment removal. The restored ramp areas would be seeded with native grasses and erosion control fabric would be installed.

7. Work will be done between August 1 and October 31, 2008. It is likely that some flow will be present in the culvert work areas as a result of summer irrigation and urban runoff. If flow is encountered, a dewatering system using a coffer dam, sump, and diversion pipe will be used to intercept and divert surface water and shallow groundwater from the project area to be released downstream. Fish screening shall be conducted at the intake that meets all NOAA Fisheries fish screen criteria. Large sediment filtering bags will be incorporated into the outlet end of the discharge line to minimize turbidity. The dewatering system will be removed following project completion.

8. The single proposed bank stabilization project on Gossage Creek is needed to prevent further erosion and instability in the channel, which would cause additional discharge of sediment to receiving waters. The bank stabilization project extends 60 feet along Gossage Creek in Sonoma County, California. The project site latitude and longitude is 38°20'18.33" N and 122°43 '54.45" W.

9. The bank stabilization project at Gossage Creek includes: (1) removal of vegetation (primarily cattails) from the channel at the base of the existing bank; (2) installation of compacted soil to back-fill slope and regrade the bank slope; (3) key-in rip-rap at the toe of slope for base of bank stability; (4) installation of erosion control fabric and a minimum of 4" of soil on the reconstructed bank slope; and (5) revegetation with grass along bank slope, with riparian plantings installed at top-of-bank and at the toe-of-bank locations.

10. The bank stabilization designs and implementation activities use bioengineering techniques to address slope stability. These approaches include using engineered back filled soils, erosion control fabric, and planting of native riparian trees at the top-of-bank and the toe-of-slope to provide additional bank stability and increased canopy in the channel.

11. Equipment used for bank stabilization activities may include excavators, bulldozers, front-end loaders, and 10- and 20-cubic-yard dump trucks. Staging will occur on the adjacent access road. Soil and rip-rap will be staged in areas that

have been previously disturbed (i.e., service road, turn-outs, etc). If repair activities affect the active channel, the work area will be isolated from flowing stream segments using silt fences, wattles, and/or cofferdams, as described above.

12. For the localized channel maintenance projects, mitigation is proposed to compensate for repeated temporal impacts (repeated periodic removal of sediment accumulation). Mitigation will include off-site erosion control and restoration activities. On-site mitigation opportunities were considered, but do to the existing impacted conditions of the culvert crossings (with hardened concrete beds, metal piped culverts, or concrete box culverts in place) opportunities for on-site mitigation were severely limited. Off-site mitigation projects will be funded at a cost of 10% of the implementation cost of the maintenance project. This mitigation funding results in a restored area that is larger than 10% of the impacted project area. The Cotati Creek Critters Upper Laguna de Santa Rosa restoration project and the Cook Creek headwaters erosion control and sediment management project will provide the off-site mitigation. The Cotati Creek Critters project involves understory revegetation, monitoring and maintenance of 0.32 acres along the Upper Laguna Channel. The mitigation funding from the Localized Channel Maintenance projects provides a portion of the total 4.6 Cotati Creek Critters project area that will be restored through overall SCWA mitigation funding in 2008. The Cotati Creek Critters mitigation project will provide bank stabilization, increase ecological value of the stream, and provide environmental education to volunteers and users of the area. The Cook Creek headwaters erosion control and sediment management project includes slope grading and vegetation plating to decrease sediment delivery to Cook Creek. For each off-site mitigation project, native plants will be planted and managed, and a five year monitoring plan will be implemented with an 80% survival rate of all plant species. Yearly monitoring and reporting will be required.

13. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final Project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season; installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; and seeding and mulching.

14. The County of Sonoma has determined that this Project is statutorily exempt from California Environmental Quality Act (CEQA) review (Section 15301 – Existing Facilities), and filed a Notice of Exemption on March 26, 2008. Based on a review of the Project information submitted to date, Regional Water Board staff determined that this Project is categorically exempt from CEQA review (Class 1, Section 15301 – Existing Facilities) and anticipate filing a Notice of Exemption for this Project.

15. Applicant has applied for United States Army Corps of Engineers Nationwide Permits 3, 13, and 33.

16. The applicant has applied for a California Department of Fish and Game 1600 Streambed Alteration Agreement.

Receiving Water:	Laguna Hydrologic Sub Area No. 114.21, Colgan and Gossage Creeks, tributary to the Russian River Hydrologic Area No. 114.00 Mark West Hydrologic Sub Unit No. 114.23, Airport Creek, a tributary to the Russian River Hydrologic Area No. 114.00 Santa Rosa Hydrologic Sub Unit No. 114.22, College, Ducker, and Steele Creeks, tributary to the Russian River Hydrologic Area No. 114.00
Filled or Excavated Area:	0.42 acres of permanent impacts
Latitude/Longitude:	Airport Creek: 38°30'48.26" N a nd 122°47'56.60" W Colgan Creek: 38°25'6.09" N and 122°43'16.52" W College Creek: 38°26'45.53" N and 122°45'5.68" W Ducker Creek: 38°28'9.66" N and 122°40'22.61" W Steele Creek: 38°27'26.45" N and 122°45'25.56" W Gossage Creek: 38°20'18.33" N and 122°43'54.45" W
Expiration:	October 15, 2010

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE 2008 LOCALIZED CHANNEL MAINTENANCE PROJECTS (Facility No. 1B08093WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application

specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.

4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).

5. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified as impaired on the Clean Water Act Section 303(d) list (2006). The Russian River is listed as impaired for sediment and temperature. The Laguna de Santa Rosa is listed as impaired for sediment, temperature, nitrogen, phosphorus, dissolved oxygen, and mercury. At present, total maximum daily loads (TMDLs) have not been established for these water bodies. If TMDLs are established and implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans. Mark West Creek is listed as impaired for sedimentation/siltation and temperature. Santa Rosa Creek is listed for pathogens, sedimentation/siltation, and temperature.

6. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Basin (Basin Plan).

7. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.

8. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

9. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.

10. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.

11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.

13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.

14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.

16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.

17. All mitigation activities shall be completed as proposed in the application.

18. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under

penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

19. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

20. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:

    a. requesting entity's full legal name
    b. the state of incorporation, if a corporation
    c. address and phone number of contact person
    d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.

21. The authorization of this Order for any dredge and fill activities expires on October 15, 2010. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

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Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Mr. Keenan Foster, Sonoma County Water Agency, P.O. Box 11628 Santa Rosa, CA 95406

Copies sent to: Michael Stevenson, Horizon Water and Environment, P.O. Box 2727, Oakland CA, 94602

Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Patrick Moeszinger, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599